

APPROVED: Meeting No. 35-87

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 34-87

August 10, 1987

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson, Rockville, Maryland, on Monday, August 10, 1987, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

In attendance: City Manager Richard Robinson, City Clerk Helen Heneghan and City Attorney Paul Glasgow.

Re: Invocation

The invocation was given by Mr. Thomas Foreman, Superintendent of Recreation for the City, who retired last Friday after 37 years of service to the City and the citizens.

Re: City Manager's Report

City Manager Richard Robinson reported the following:

1. It will be possible to distribute the AIDS material in the City newsletter. An insert in the Rockville Reports will cost between \$165.00 to \$225.00 total. To purchase copies of the Surgeon Generals report and mail 20,000 copies, the cost would be \$2,000.00. To purchase the copies from the Red Cross and mail them would be a total cost to the City of \$6,000.00. City Manager Robinson stated that this item is on the agenda for discussion later at tonight's meeting.

2. The Lincoln Park Community Center project has been renamed. In the future, it will be referred to as the Clarence "Pint" Israel Scholarship Fund. The name change was supported by all.

3. Councilman Abrams asked if the staff had looked into securing camera-ready copy from the Department of Health and Human Services for the AIDS brochure. The City Manager stated it was the present intention to cut and paste the report and run it on newsprint as Rockville Reports is run since its present form does not fit into the newsletter's size.

Re: Mayor's Report

Mayor Van Grack reported the following:

1. On August 15, 1987, the East Rockville Civic Association will hold its picnic from 11:00 a.m. until 4:00 p.m. at Maryvale Park.

2. On August 22, 1987, the Mayor and Council will host the Volunteer Appreciation Night, at which hundreds of volunteers will be thanked for their service to the City.

3. On August 12, 1987, the Human Rights Commission will hold a meeting at City Hall on the recent incidents of Hate/Violence in the City. They will decide a course of action for the City to follow. People should know they can receive help from the City when this happens.

4. The Rockville Pike Plan was recently discussed by the Planning Commission and the extention of Montrose/Jefferson was rejected by them. For the future worksessions, the Planning Commission will open the meeting to a citizens forum at the beginning and invite citizen comment during the session. The meetings will be held on August 15, 19, 20 and 26th, to prepare a draft report to be submitted to the Mayor and Council by September 16.

5. The hearing on the extension of the Metro parking by 125 cars to be constructed at the northeast corner of Hungerford Drive and Middle Lane was conducted this week. The City supports the project since the temporary use of this space as a parking lot seems appropriate.

6. Compliments are due to Mr. Horne and the staff of the Community Development Department on their excellent Landlord/Tenant brochure. It explains the rights of citizens and the rights of landlords and tenants within the city. As of July 1, 1987, a 4.6% voluntary maximum rent increase was suggested.

Re: Council's Report

1. Councilman Abrams suggested that the Mayor and Council discuss the voluntary rent guidelines in new business.

2. Councilman Coyle noted the book "Rockville Historic Building Catalog". He commended the staff for its publication and asked staff where copies are available. City Manager Robinson responded that they may be picked up at the Information Desk or in the Planning Department.

3. Councilman Duncan asked how citizens could get a copy of the Landlord/Tenant brochure. City Manager Robinson said Mr. William Dukes of the Community Development Department is handling the distribution. Councilman Duncan noted that the F. Scott Fitzgerald Theatre had an excellent production of "How To Succeed In Business" and further stated that it was a shame it was not for an extended run. Councilman Duncan congratulated Mr. Thomas Foreman for his many years of service to the City.

Re: Citizens Forum

The Mayor opened the meeting to those citizens wishing to address the Mayor and Council:

1. Sima Osdoby, 2 Stevenage Circle, spoke to the Council in favor of the distribution of the AIDS report to all Rockville citizens. Ms. Osdoby stated that

public health is a serious health problem and that it is necessary and important that this information be passed on to the citizens of Rockville.

2. Lisa Taylor, President, Rockville Chamber of Commerce, testifying on behalf of the Chamber of Commerce, stated their objection to a restrictive smoking prohibition for restaurants in Rockville. Ms. Taylor stated that there may be an inability on the part of small restaurateurs to provide separate air handling systems.

Mayor Van Grack, on behalf of the Council, asked Ms. Taylor to bring back good wishes for a speedy recovery to Mr. Lou Grossman, the husband of the Executive Director of the Chamber of Commerce.

3. Herman Hartman, 125 South Van Buren Street, addressed the Mayor and Council and produced a site plan of townhouses on North Van Buren where the storm water pond was not built completely according to design. Mr. Hartman asked that the City find a way to accept the drainage basin as it is and release the contractor bond, since he sees no need to dig it deeper than it is. After discussion, the Mayor and Council asked the staff to analyze the information and return to the Mayor and Council with their recommendation.

4. Laird Anderson, 109 South Van Buren Street, spoke to the Mayor and Council regarding the parking of recreational vehicles on residential neighborhood streets, particularly, an overly large vehicle that has been parked on South Van Buren Street across from his home. The Mayor and Council invited Mr. Anderson to stay the evening until that particular item is addressed during the worksession.

5. Marsha Marks, 1533 Cardinal Court, representing the American Lung Association of 150 Rollins Avenue suggested that although a total ban of smoking would be ideal, she asked that the Mayor and Council pass legislation that is uniform with Montgomery County's to make enforcement easier.

6. Alice Helm, 7000 Milwood Road, Bethesda, suggested that since the Mayor and Council is considering distribution of the Surgeon General's report on ADIS, they might consider distribution of the Surgeon General's report on smoking. Ms. Helm also asked that the Mayor and Council base their legislation on the County's since uniformity is the name of the game.

7. David Frieshtat, Treasurer of the Hebrew Home, spoke to the Mayor and Council and briefed them on the former Congressional School site, which will now be the site of 148 units of apartments, that will house the frail elderly, and other seniors. Mr. Frieshtat thanked the Mayor and Council for their previous assistance and said in the future the City's willingness to enhance the credit of bonds may be an instrument to assist.

8. Sandra Levine, 636 Goldsboro Drive, addressed the Mayor and Council stating that she prefers a strong smoking ordinance since she feels conformity with Montgomery County should not necessarily be the chief criterion.

Re: Appointments

Mayor Van Grack, with the confirmation of Council, made the following appointment:

Board of Supervisors of Elections: Alexander (Zan) Donaldson - appoint
2304 McAuliffe Drive
4 year term

Councilman Abrams noted that Mr. Donaldson will replace Mr. John Rausch on the Board of Supervisors of Elections, and on behalf of the Mayor and Council, he wished Mr. Rausch good health and a speedy recovery and thank him for his many years of service and wealth of experience that he brought to the board.

Re: Award of Contract: Bid
#3-88; Street Cleaning

Bids were opened at 2:30 p.m. on July 21, 1987 for providing contract street cleaning.

There were 26 request for bids sent out and one response received.

<u>Vendor</u>	<u>Total Cost</u>
1. Browning-Ferris, Inc. 1302 Concourse Drive Linthicum, Maryland 21090	\$61,993.31

NOTE: Even though only one bid was received, the successful bidder currently is providing similar services to Montgomery County and for the state of Maryland.

Staff recommends award of contract to Browning-Ferris, Inc. for the Cleaning by Sweeping designated streets in the City of Rockville limits.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid #3-88 was awarded to Browning-Ferris, Inc. in the budgeted amount of \$78,000.00

Re: Rejection of Bid #35-87
Paving of Service Road
at Golf Course

Invitations to bid were mailed to 30 contractors and the bid was advertised in FW Dodge, Blue Reports and Bid Net. Sealed bids were received and opened at 2:30 p.m., June 11, 1987. The bids were as follows:

HMF Paving Contractors, Inc.	\$34,170.00
Peak Incorporated	\$37,875.00
Francis O. Day Co., Inc.	\$41,250.00

This project included the paving of the service road from the golf course maintenance building to the tenth tee.

Funding in the amount of \$12,000 for paving the service road was budgeted. The original estimate did not take into account changes in the specifications suggested by the Public Works Department or payment that would have to be made to the State Storm Water Management Fund.

It is recommended the low bid from HMF Paving Contractors, Inc. be rejected. Staff will rebid this job in conjunction with the bikeway paving project that is forthcoming.

On motion of Councilman Abrams, duly seconded and unanimously passed, bid for #35-87; paving of service road at golf course were rejected.

Re: Rejection of Bid #75-87; Civic Center Social Hall Renovation

Invitations to bid were mailed to 27 contractors and the bid was advertised in FW Dodge, Blue Reports and Bid Net. Sealed bids were received and opened at 2:30 p.m., June 2, 1987. The sole bidder was:

Potomac Property Care	\$34,990.00
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This project included the furnishing and installation of acoustical wall panels, corner guards, door and frame protectors and chair rails.

It is recommended that the sole bid from Potomac Property Care in the amount of \$34,990.00 be rejected. Manufacturer and local distributors estimated the job at approximately \$18,000.00.

Staff will make adjustments in the specification and re-bid this work in connection with Phase II (floors and structural changes) in the fall in order to obtain reasonable bids.

On motion of Councilman Abrams, duly seconded and unanimously passed, bid #75-87 was rejected as recommended by staff.

Re: On-site SWM Waiver #19-87, Jefferson House for the Elderly, East Jefferson Street, U-386-87

This 10 acre parcel of land (former Congressional Elementary School) is located on the City boundary line at E. Jefferson Street south of Rollins Avenue in the Cabin John Creek drainage shed. The developer plans to demolish the existing school building and construct a home for the elderly.

After redevelopment, the site will have 4.6 impervious acres. Although on-site SWM could be provided, the developer has requested the City grant a waiver. The runoff from this site will enter a proposed storm drain system to be constructed on the property by the developer and will then be safely conveyed by an open stream to the existing Montgomery County Department of Environmental Protection's (MCDEP) B'nai Israel SWM facility, located on the property adjacent to the site. The required contribution would amount to \$92,000 (4.6 acres x \$20,000.00 per acre)

MCDEP is agreeable to the City granting a waiver, conditioned upon the applicant providing the engineering work for the expanded SWM facility, which will enable acceleration of MCDEP's expansion plans. The estimated engineering costs are \$64,900. This would be a maximum cost to the developer and additional design costs would be paid by MCDEP. The remainder of the \$92,000 waiver contribution would go to the City.

Staff recommends that a waiver be granted and that the Mayor and Council approve a developer contribution of \$92,000 (4.6 impervious acres at \$20,000 per acre), with up to \$64,800 to be paid directly to MCDEP for the purpose of awarding an engineering design contract for the expansion of the existing B'nai Israel SWM facility and \$27,200 to be paid to the City's off-site SWM fund.

On motion of Councilman Abrams, duly seconded and unanimously passed, the SWM Waiver request was approved.

Re: Resolution: To allow
withdrawal of Map
Amendment Application
M-49-87, Peter J. and
Mayda C. Tsaknis,
Applicants. (14 Beall
Avenue)

Resolution No. 20-87

On motion of Councilman Abrams, duly seconded, and unanimously passed,

Resolution No. 20-87, the full text of which can be found in Resolution Book No. 8 was adopted by the Mayor and Council, allowing withdrawal of Map Amendment Application M-49-87.

Re: Award of Bid #1-88,
Janitorial Contract for
City Hall

Bid #1-88 was awarded to the low bidder Total Maintenance Care by Mayor and Council July 11, 1987. Total Maintenance Care is unable to secure Performance Bonds as required by the City and the contract.

Staff recommends that Total Maintenance care be found in default and the award be made to the next low bidder, Carefree Cleaning Services, for the Base Year, and Option Years II and III at the discretion of the Director of Recreation and Parks.

<u>Base Year I</u>	<u>Year II</u>	<u>Year III</u>	<u>Total</u>
\$28,800	\$33,000	\$36,000	\$97,800

On motion of Councilman Abrams, duly seconded, and unanimously passed, Bid #1-88 was awarded to Carefree Cleaning, the lowest responsible bidder, due to the default of the low bidder.

Re: Adoption of Ordinance
to Amend Section 1-107
of Chapter 14D of the
"Laws of Rockville"
entitled "Building
Resiction Lines" to
terminate building line
No. 6 at Gude Drive in
lieu of terminating
line No. 6 at the
northerly boundary of
the City of Rockville.

Ordinance No. 14-87

On motion of Councilman Abrams, duly seconded, and unanimously passed,
Ordinance No. 14-87, the full text of which can be found in Ordinance Book No. 13,

was adopted by the Mayor and Council amending the Building Lines of Chapter 14D of the Laws of Rockville.

Re: Approval of SWM Waiver
Request #21-87 for an
Industrial Building at
569 Southlawn Lane, U-
367-87.

It was the consensus of the Mayor and Council to defer consideration of this SWM Waiver request #21-87 until the staff provides information on who owns the property.

Re: Award of Contract: Bid
#15-88; Demolition of
114 Frederick Avenue
(The Red Barn)

Sealed proposals were opened on Thursday, July 30, 1987 for Bid No. 15-88, Demolition of 114 Frederick Avenue. The following bids were received:

Albert Paving Bethesda, MD	\$68,940.00
Hobbs Brothers, Inc. Clarksville, MD	\$67,000.00
Demolition of D.C. Alexandria, VA	\$43,300.00
L.E.B., Inc. Washington, D.C.	\$39,500.00
Ace Wrecking Company Silver Spring, MD	\$32,440.00
Family Excavating, Inc. Brandywine, MD	\$29,900.00

This is the second time the demolition of 114 Frederick Avenue has been let to to bid. The first bids were rejected by the Mayor and Council due to excessive cost. The low bid at that time was \$74,444. The budgeted amount for this work is \$30,000. The low bid is consequently consistent with the budget.

Family Excavating, Inc. has provided references of previous demolition work. These references were checked and found to be satisfactory.

It is recommended that Bid No. 15-88 for the Demolition of 114 Frederick Avenue be awarded to the low bidder, Family Excavating, Inc. in the amount of \$29,900.

Councilman Hartogensis noted that the staff had lived up to its expectations and showed wisdom in the handling of this item. Councilmembers Abrams and Coyle complimented staff on their actions too.

Bid #15-88 was awarded to Family Excavating Inc. in the amount of \$29,900. The Council asked the date of demolition. City Manager Robinson said he would provide that information and that it would be not more than ten days from today.

Re: Adoption of Ordinance
to Amend Section 1-
102 of the "Laws of
Rockville" so as to
permit Montgomery
County Legislation
regulating smoking in
eating and drinking
establishments, as
contained in Section
24-9A of the Montgomery
County code, to apply
within the City of
Rockville.

Ordinance No. 15-87

The Council discussed at length the possibility of reducing the threshold from 50 to a seating capacity of 25. The City Attorney reported that Montgomery County would in fact enforce this type of legislation. It was the consensus of the Council that the number should be reduced, however, an exact number could not be decided at this time.

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 15-87, the full text of which can be found in Ordinance Book No. 13,

was adopted by the Mayor and Council permitting Montgomery County legislation regulating smoking in eating and drinking establishments to be enforced in Rockville.

On motion of Councilman Abrams, duly seconded and unanimously passed, staff was instructed to prepare additional legislation which would be a comparable ordinance with a threshold at 10 to 25 seats required for non-smoking, including the posting of a sign in any smaller restaurant that did not provide separate dining areas. Councilman Hartogensis suggested that the Mayor and Council might consider a public hearing, however, it was the Council's feeling that a worksession inviting all those who had previously testified might suffice.

Re: Discussion on the
distribution of the
Surgeon General's
report on AIDS to
households in the City.

It is the intention of the Mayor and Council to distribute the Surgeon General's report on AIDS or a copy to every household in the City through the newsletter. Councilman Hartogensis did not agree since he feels the report would then be going to people who had not requested it when the report could be made available in libraries and other places for people to pick up. After discussion, on motion of Councilman Coyle, Mayor and Council agreed that the report would be distributed. The motion passed with Councilman Hartogensis dissenting. Staff will return to the Mayor and Council with a cost breakdown and a time schedule, since there is a possibility of securing copies of the report from the government or through congress at a reduced rate or securing camera ready copy that can be reproduced.

Re: Decision and
Instructions to staff
on Text Amendment
Application, T-84-87,
Peter S. Glassman,
D.V.M. Applicant, (to
permit veterinary
clinics in various
industrial and
commercial zones)

On motion of Councilman Duncan, duly seconded and unanimously passed, the staff was instructed to prepare the necessary legal documentation to grant Text Amendment Application T-84-87 and allow veterinary clinics in the C-1, C-2, I-1 and I-2 zones only.

Re: Introduction of
Ordinance: To Grant
Street Closing and
Abandonment Application
SCA-52-87, Tower-Dawson
Limited Partnership,
Applicant.

On motion of Councilman Hartogensis, there was introduced upon the table an ordinance to grant street closing and abandonment application SCA-52-87, said ordinance to lay over for at least one week before final action is taken.

Re: New Business

1. Councilman Coyle brought to the Council's attention a letter he received from a resident of the Glen Hills section who is concerned about an annexation and development of townhouses in that area. City Manager Robinson stated that he will provide information to the Council as soon as it becomes available.

2. On motion of Councilman Hartogensis, duly seconded and unanimously passed, the salary for election chief judges in the next election was set at \$99.75.

3. Councilman Duncan referred to the staff a suggestion that newspapers on the special collection be picked up in paper bags and dumped from the bags into the truck body. The City Manager will report back on the cost of this.

4. Councilman Coyle reported that former Mayor Dick Hovsepian has stated that he recently visited the Civic Center Mansion and three or four costly chandeliers have been taken down and disappeared from the mansion. He also reported the disappearance of some valuable antique furniture. The City Manager said that he will return with a report to the Council.

5. Councilman Coyle noted that until this time, the Mayor and Council have not been asked to participate in discussions for the future of the fire districts or the Montgomery County Volunteer system. Since this is important in the amount of taxes the City pays, the City should be concerned. Councilman Coyle asked City Manager Robinson to contact the County and put them on notice that the City is concerned. Councilman Duncan said at this time the County is moving quickly on the reclassification of employees only and not the entire package.

6. Councilman Abrams noted that he has received several letters from tenants at Congressional Towers who have been experiencing large rent increases. He asked that the staff check with Montgomery County on their experience with Mr. Pollinger on rent increases in other places in Montgomery County to see how the increases differ and that the information be forwarded to the Landlord/Tenant Commission.

Re: Worksession

The Mayor and Council discussed the problem of recreational vehicles parked in residential areas. City Attorney Glasgow briefed them on the legislation governing parking of trucks and the permit issuance procedures. The staff was asked to locate ordinances from other areas for Mayor and Council consideration and define what must be maintained for a right-of-way. It is the hope of the Mayor and Council to look at two or three alternatives in order to satisfy the needs of the citizens both aesthetically and those requiring a place to park these vehicles.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the meeting was adjourned at 10:45 p.m. to convene again in general session on Monday, August 24, 1987, or at the call of the Mayor.